UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/496,769	02/03/2000	Tomotaka Yamazaki	SONYJP3.0-098	6673

530 7590 01/16/2007		EXAMINER
LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK		BROWN, RUEBEN M
600 SOUTH AVENUE WEST	ART UNIT	PAPER NUMBER
WESTFIELD, NJ 07090	2623	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/16/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

	Application No.	Applicant(s)
Office Action Summary	09/496,769	YAMAZAKI ET AL.
	Examiner	Art Unit
	Reuben M. Brown	2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10/20/06*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,6-11,16-21,26-31 and 36-46* is/are pending in the application.

    4a) Of the above claim(s) *45 and 46* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,6-11,16-21,26-31 and 36-44* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

37 CFR 1.114. Applicant's submission filed on 10/20/06 has been entered.

Response to Arguments

2.   Applicant's arguments with respect to the claims have been considered but are not

persuasive.

With respect to the restriction of claims 45-46, examiner maintains the previous

restriction, since the claimed subject mater of, 'to assign a unique MAC address'; and

'validating, transferring and retrieving' steps are beyond the scope of the previously claimed

subject matter.

Applicant main argument against Perlman, as stated on page 17, is that Perlman discloses

the opposite of the claims – namely using the client's telephone number for the authentication

and the client network address. To support this position, applicant cites several passages in

Perlman that discloses this arrangement. In particular, applicant cites col. 8, lines 21-46, which

includes the passage, "In the POTS telephone network situation, this client telephone number

represents the client network address from which the client 610 is accessing the network".

However, examiner points out that applicant does not consider the conditional clause of this

passage, i.e., "In the POTS telephone network situation,".

In particular, Perlman clearly points out that the POTS is not the only network that ·

operates on the system. The ANI of a user's telephone number may be used to authenticate that

user, but the client network address reflects the network address of a different network, other

than the POTS. In order to teach this arrangement, Perlman shows in Fig. 3, Fig. 4 & Fig. 5, that

the user's terminal may be connected to at least 2 networks at the same time, namely POTS and

cable or ISDN, respectively, see col. 5, lines 11-40. Thus, the ANI of the POTS network may be

used to authenticate the user, while in fact the user may transmit/receive messages to/from a

server using at least a CATV, ISDN or wireless network. Thus, when Perlman discusses the

client network address, used the terminals, in these situations, the instant client network address

is by definition, different from the telephone number. Thus, examiner asserts, that

notwithstanding that Perlman meets the claimed language, since it discloses the clients accessing

the server using a different network, other than the POTS.

Applicant also argues on page 19 that the encryption taught by Perlman, "is not what is

claimed". However, since all communication from the server is transmitted in encrypted from,

(col. 7, lines 21-42) including the client network address, the claimed subject matter is met.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

4.   Claims 1, 6-11, 16-21, 26-31 & 36-44 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Perlman, (U.S. Pat # 5,862,220), in view of Slivka, (U.S. Pat # 6,049,671).

Considering amended claim 1, the instant claim recites a method of transmitting data

from a transmission apparatus to one of a plurality of receiving terminals, comprising

'communicating between the one receiving terminal and the transmission apparatus via an Internet system, such that that the receiving system is operable to receive a digital broadcast signal', which is met by Perlman, Fig. 4; col. 3, lines 10-60.

'receiving authentication data associated with the one receiving terminal, authenticating the authentication data', reads on the disclosure in Perlman, which uses a WebTV telephone number with an ANI, in order to determine if the client is listed on the server, for authentication purposes; see col. 4, lines 50-67 thru col. 5, lines 1-30.

'transmitting unique terminal information identifying the one receiving terminal as a destination and an update program to change the processing of the one receiving terminal', Perlman teaches that the client network address and encryption information is transmitted to the client, col. 9, lines 20-25; col. 10, lines 35-40; col. 14, lines 5-20. The claimed 'unique terminal identification information', reads on the client network address stored on the private server 820 and provided back to the client 610, col. 8, lines 35-44.

Regarding the claimed 'update program to change the processing of the one receiving terminal', Perlman generally discusses that the client device 610 makes requests of the private server 820, but does not explicitly teach requesting an update. Nevertheless Slivka, which is in the same field of endeavor teaches a subscriber requesting software updates from a server, and that the server transmits the requested software update to the client, using a well known

encryption algorithm, see col. 7, lines 35-67; col. 9, lines 20-40 & col. 17, lines 10-25. It would

have been obvious for one of ordinary skill in the art to modify Perlman to provide software

updates to the client, at least for the desirable advantage of ensuring optimum performance of the

client system, as taught by Slivka, Abstract; 1, lines 20-65 & col. 2, lines 15-67.

'unique terminal identification information being selected in a manner unrelated to the

authentication data, and the transmitting step including converting the unique terminal

information into converted unique terminal information comprising a key ID and transmitting the

converted unique terminal information to the one receiving terminal' also reads on the disclosure

in Perlman that in at least one embodiment the client device 610 is authenticated using its POTS

number, col. 8, lines 30-67. As for the 'key ID', Perlman furthermore teaches that the encryption

key is specific to the particular client, col. 8, lines 39-47.

As for the amended claimed feature of 'returning the converted unique terminal

information comprising a key ID to the unique terminal information and storing the unique

terminal information in a storage location after the returning step', the claimed subject matter

reads on the operation of Perlman of receiving and storing the encryption information in memory

844 of the client device, Fig. 8; col. 6, lines 35-55.

Regarding the additional claimed feature of 'transmitting from the one receiving terminal

to the transmission apparatus a transfer request based on the update program and the unique

terminal information, and supplying the data responsive to the request', Perlman teaches that

-once the encryption information is received, it is used for communication between the client

device 610 and the server, col. 8, lines 40-48; col. 11, lines 60-63.

Considering claims 6, 16, 26 & 36, Slivka uses a satellite transmission system; see col. 5,

lines 40-46 & col. 10, lines 48-52.

Considering claims 7, 17, 27 & 37, both Perlman & Slivka are directed to Internet

communication.

Considering claims 8, 18, 28 & 38, the claimed terrestrial circuit reads on the cable TV

system of Perlman.

Considering claims 9, 19, 29 & 39, the claimed subject matter is met by any software

upgrade that includes visual interface for the user, see Slivka, col. 7, lines 39-67.

Considering claims 10, 20, 30 & 40, the claimed subject matter reads on the client

network address, used in Perlman, col. 7, lines 35-50; col. 8, lines 41-47; col. 9, lines 35-52 &

col. 10, lines 41-67; col. 12, lines 1-22.

Considering claims 11, 21 & 31, the claimed system, receiving system and method of

receiving data comprises elements that correspond with subject matter mentioned above in the

rejection of claim 1, and is likewise treated.

Considering claims 41-44, the claimed unique terminal identification comprising a MAC

address of the receiving terminal reads on the client network address, as disclosed by Perlman.

5.   Claims 1, 6-11, 16-21, 26-31, & 36-40 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Win, (U.S. Pat # 6,182,142), in view of Slivka.

Considering claim 1, the claimed method of transmitting data from a transmission apparatus to

one of a plurality of receiving terminals comprising:

'communicating between the one receiving terminal and the transmission apparatus via

an Internet system, such that the receiving terminal is operable to receive a digital broadcasting

signal' is met by the discussion in Win that the system operates over the Internet and that the

network is enabled to carry digital data streams, see col. 4, lines 56-67; col. 5, lines 5-25; col. 27,

lines 17-45.

'receiving authentication data associated with one of the receiving terminals and

authenticating the instant authentication data' is met by the disclosure in Win that a user logs into

the server by transmitting a name and password, which are authenticated by the Registry Server

108, see col. 9, lines 52-67 thru col. 10, lines 1-5 & Fig. 5A.

'transmitting unique terminal information identifying the one receiving terminal as a

destination and an update program to change the processing of the one receiving terminal, such

that the unique terminal identification information being selected in a manner unrelated to the

authentication data, and the transmitting step including converting the unique terminal

information into converted unique terminal information comprising a key ID and transmitting the

converted unique terminal information to the one receiving terminal', is met by the disclosure in

Win that after the user is authenticated, a cookie (which includes at least a unique profile for the

user & the IP address of the terminal, and which corresponds with the claimed unique terminal

information) is encrypted and transmitted to the user's computer, see col. 10, lines 53-67 thru

col. 11, lines 1-31; col. 12, lines 46-55. The claimed 'update program to change the operation of

the terminal' is broad enough to read on the resources that the user may access over the Internet

from the server, for instance see col. 5, lines 12-49.

Regarding the claimed 'update program to change the processing of the one receiving

terminal', Win does not explicitly teach requesting an update. Nevertheless Slivka, which is in

the same field of endeavor teaches a subscriber requesting software updates from a server, and

that the server transmits the requested software update to the client, using a well known

encryption algorithm, see col. 7, lines 35-67; col. 9, lines 20-40 & col. 17, lines 10-25. It would

have been obvious for one of ordinary skill in the art to modify Win to provide software updates

to the client, at least for the desirable advantage of ensuring optimum performance of the client

system, as taught by Slivka, Abstract; 1, lines 20-65 & col. 2, lines 15-67.

'returning the converted unique terminal information comprising key ID to the unique

terminal information' reads on the user computer terminal in Win decrypting the encrypted

information, which is inherent in Win.

'storing the unique terminal information and the update program in storage after the

returning step'; 'transmitting from the one receiving terminal to the transmission apparatus a

transfer request based on the update program and the unique terminal information; and supplying

data responsive to the transfer request from the transmission apparatus to the receiving terminal

based on the unique terminal information' reads on the discussion in Win that the cookie is used

by the computer terminal to access resources on the sever, until it expires, see Abstract; col. 6,

lines 46-67; col. 11, lines 1-21.

Considering claims 6, 16, 26 & 36, Slivka uses a satellite transmission system; see col. 5,

lines 40-46 & col. 10, lines 48-52.

Considering claims 7, 17, 27 & 37, both Win & Slivka are directed to Internet communication.

Considering claims 8, 18, 28 & 38, the claimed terrestrial circuit reads on wireless connections, disclosed in Slivka, col. 5, lines 40-43.

Considering claims 9, 19, 29 & 39, the claimed subject matter is met by any software upgrade that includes visual interface for the user, see Slivka, col. 7, lines 39-67.

Considering claims 10, 20, 30 & 40, Win teaches that the server may include an IP address, as part of the unique terminal information, which reads on the claimed 'unique physical address.'

Considering claims 11, 21 & 31, the claimed system, receiving system and method of receiving data comprises elements that correspond with subject matter mentioned above in the rejection of claim 1, and is likewise treated.

6.   Claims 41-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Win & Slivka, and further in view of Chiu, (U.S. Pat # 5,784,597).

Considering claims 41-44, Win teaches that the server may include an IP address, as part of the unique terminal information, but does not specifically discuss the use of 'MAC address.'

However, Chiu which discloses details in a high-speed communication network discloses that

modem MAC address of the client is included in a downstream acknowledgment frame from the

SCS 101, see col. 11, lines 14-40; col. 13, lines 10-63. It would have been obvious for one of

ordinary skill in the art at the time the invention was made, to modify the combination of Win &

Slivka with the feature of the MAC address of the modem, at for the purpose of more specifically

controlling the channel to which the receiving terminal will be switched to in order to receive

requested data, as taught by Chiu. Chiu goes on to teach that this MAC address is transmitted to

the receiver in encrypted form, col. 14.

Conclusion

7.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

A)   Kwok   Cable management system that provides high-level network address fro

the STB, after it is registered.

Any response to this action should be mailed to:

> Commissioner for Patents
> P.O. Box 1450
> Alexandria, VA 22313-1450
> www.uspto.gov

> **or faxed to:**
> (571) 273-8300, (for formal communications intended for entry)
> **Or:**
>> (571) 273-7290 (for informal or draft communications, please label
>> "PROPOSED" or "DRAFT")

Any inquiry concerning this communication or earlier communications from the examiner should

be directed to Reuben M. Brown M. Brown whose telephone number is (571) 272-7290. The examiner

can normally be reached on M-F(8:30-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,

Christopher Kelley can be reached on (571) 272-7331. The fax phone numbers for the organization

where this application or proceeding is assigned is (571) 273-8300 for regular communications and After

Final communications.

Information regarding the status of an application may be obtained from the Patent Application

Information Retrieval (PAIR) system. Status information for published applications may be obtained

from either Private PAIR or Public PAIR. Status information for unpublished applications is available

through Private PAIR only. For more information about the PAIR system, see http://pair-

direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Reuben M. Brown

REUBEN M. BROWN
PATENT EXAMINER